



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

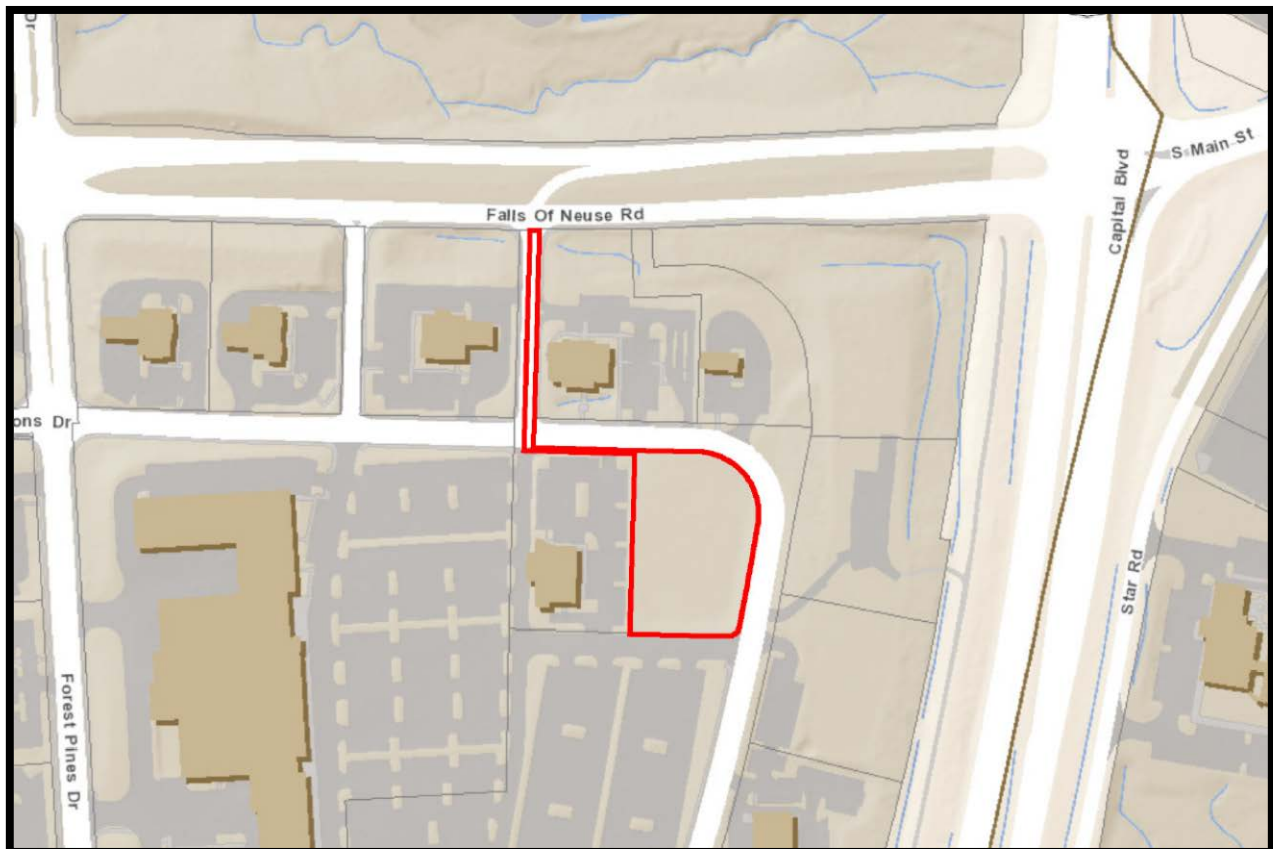
Case File: A-124-16

Property Address: 10831 Wakefield Commons Drive

Property Owner: Kimco Wakefield Commons II Limited Partnership

Project Contact: Chip Bass

Nature of Case: A request for a variance from all of the wooded area requirements set forth in Section 9.1.9.A. of the Unified Development Ordinance to allow for the construction of a general building on a .135 acre property zoned Commercial Mixed-Use-3 Parking Limited and Urban Watershed Protection Overlay District located at 10831 Wakefield Commons Drive.



10831 Wakefield Commons Drive – Location Map

To BOA: 11-14-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Commercial Mixed-Use-3 Parking Limited and Urban Watershed Protection Overlay District



10831 Wakefield Commons Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**
3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

Sec. 9.1.9 Watershed Protection Overlay Districts

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



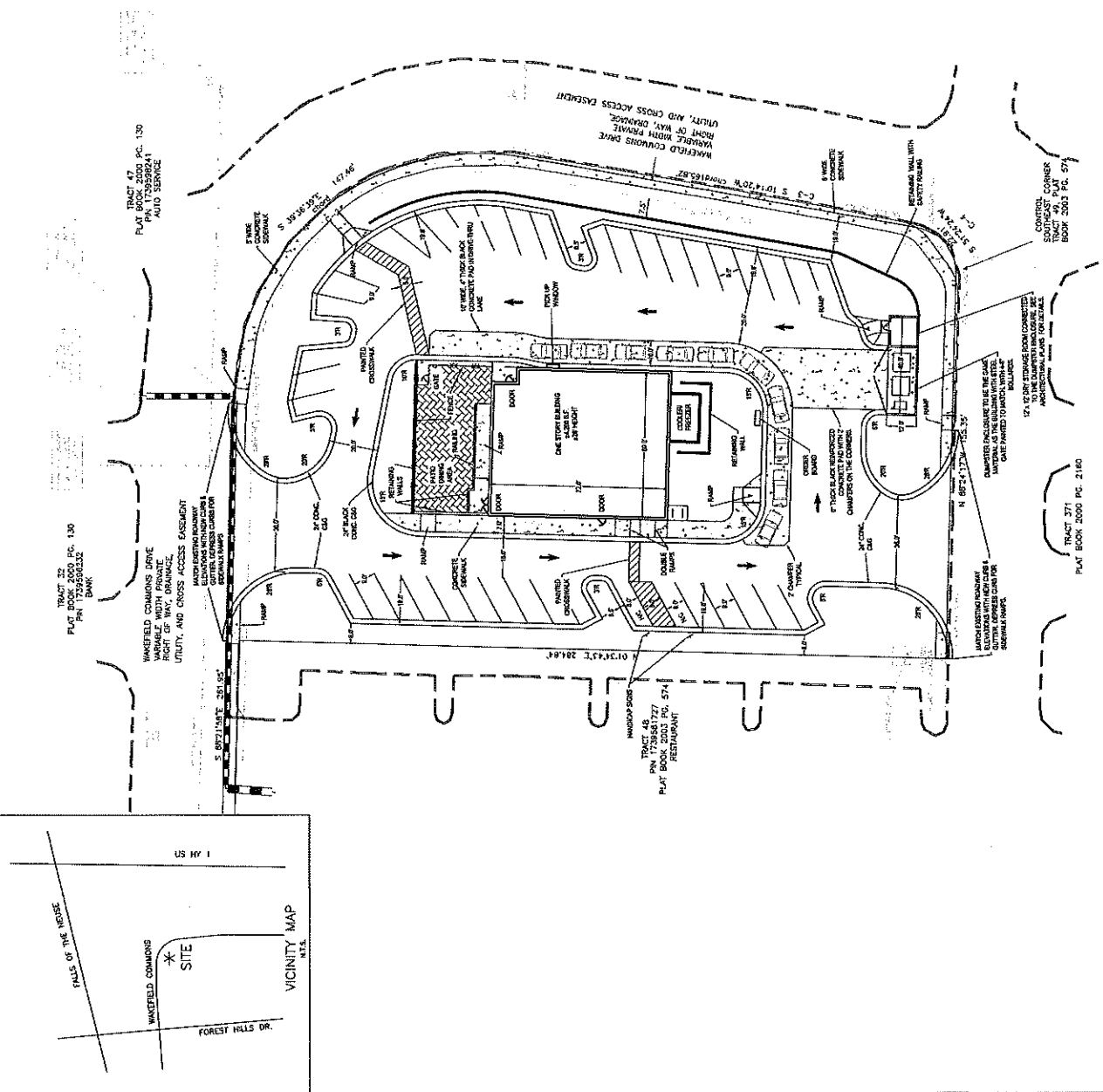
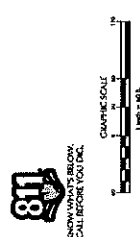
Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): The nature of the request is to be exempted from COR UDO Section 9.1.9 Watershed Protection Overlay Districts. Specifically the Overlay District UWPOD. The lot was created, denuded and mass graded as part of S-125-98, Wakefield Commons Shopping Center, Tract 48, consisting of 2.73 acres. It was later subdivided per BM 2003- PG. 574 into New Tract 48, and the subject property of New Tract 49, consisting of 1.356 Acres+/- . There are no existing trees on this property and the 40% lot area set aside for trees is an undeserved burden on such a small lot.	Transaction Number A-124-16
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. DDS Meeting: 483571	

GENERAL INFORMATION		
Property Address 10831 Wakefield Commons Drive Raleigh, NC 27614		Date 9/26/2016
Property PIN 1739587951	Current Zoning Business	
Nearest Intersection Capital Blvd x Falls of Neuse		Property size (in acres) 1.356
Property Owner Kimco Wakefield Commons II Limited Partnership	Phone	Fax
Owner's Mailing Address 3333 New Hyde Park Road New Hyde Park, NY 11042	Email	
Project Contact Person Chip Bass	Phone (910)-736-5005	Fax 919-847-5586
Contact Person's Mailing Address PO Box 97337 Raleigh, NC 27624	Email chlp@br1980.com	
Property Owner Signature	Email	
Notary Sworn and subscribed before me this 10th day of October, 2016	Notary Signature and Seal 	
By: Kimco W.C. 477, Inc., its general partner 		

INCIDENCE ANGLE	ORDINATE	DEGREE OF CURVE
0°16'25"	15.00'	0°16'20"
0°30'15"	14.740'	50°27'54"
0°50'40"	165.81'	0°16'23"
79°52'46"	22.91'	316°18'25"



[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID 0269836

PIN # 1739587951

 Location Address
 10831 WAKEFIELD
 COMMONS DR

 Property Description
 WKFLD COMMERCIAL COMMONS TR49 BM2003-00574

[Account Search](#)

[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner KIMCO WAKEFIELD COMMONS II LP (Use the Deeds link to view any additional owners)		Owner's Mailing Address 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1204	Property Location Address 10831 WAKEFIELD COMMONS DR RALEIGH NC 27614-6822
Administrative Data Old Map # 231-00000-0000 Map/Scale 1739 02 VCS CBRA001 City RALEIGH Fire District Township WAKE FOREST Land Class VACANT ETJ RA Spec Dist(s) Zoning CUD TD History ID 1 History ID 2 Acreage 1.36 Permit Date Permit #		Transfer Information Deed Date 11/6/2006 Book & Page 12252 2353 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$694,198 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$694,198

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0269836**PIN # **1739587951**Account
Search

Location Address

Property Description

**10831 WAKEFIELD COMMONS WKFLD COMMERCIAL COMMONS TR49 BM2003-00574
DR**[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 10831 WAKEFIELD COMMONS DR		Building Description CBRA001		Card 01 Of 01																																																																																																																									
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$694,198 Total Value Assessed \$694,198																																																																																																																									
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>%ADJ</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Units	DesItem	Code	Year	%ADJ	Inc	Value																																																															
Story	Type	Code	Area	Inc																																																																																																																									
M																																																																																																																													
A																																																																																																																													
B																																																																																																																													
C																																																																																																																													
D																																																																																																																													
E																																																																																																																													
F																																																																																																																													
G																																																																																																																													
H																																																																																																																													
Units	DesItem	Code	Year	%ADJ	Inc	Value																																																																																																																							
Building Sketch			Photograph																																																																																																																										

1739587951
KIMCO WAKEFIELD COMMONS II LP
3333 NEW HYDE PARK RD
NEW HYDE PARK NY 11042-1204

1739581727
WESTDALE WAKEFIELD NC LP LTD PTNRP

RYAN LLC
1735 MARKET ST STE A400
PHILADELPHIA PA 19103-7501

1739581727
KROGER CO
PROPERTY TAX 7TH FL
1014 VINE ST
CINCINNATI OH 45202-1141

1739582397
WESTDALE WAKEFIELD NC LP LTD PTNRP

RYAN LLC
1735 MARKET ST STE A400
PHILADELPHIA PA 19103-7501

1739585952
SPIRIT OF APOLLO LLC
256 OLD EXPRESS RD
LOUISBURG NC 27549-7805

1739589666
KIMCO WAKEFIELD COMMONS II LP
3333 NEW HYDE PARK RD
NEW HYDE PARK NY 11042-1204

1739593266
BANK OF AMERICA NATIONAL ASSOC
NC1-001-03-81
101 N TRYON ST
CHARLOTTE NC 28246-0100

1739596232
COASTAL FEDERAL CREDIT UNION
PO BOX 58429
RALEIGH NC 27658-8429

1739598241
BRIAR CREEK MANAGEMENT LLC
373 COOKE RD
LOUISBURG NC 27549-8723

1739680911
KIMCO WAKEFIELD COMMONS II LP
3333 NEW HYDE PARK RD
NEW HYDE PARK NY 11042-1204

